



PRESENT:

Mr. F. Wayne Bass, Vice Chairman
Dr. William P. Brown
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ABSENT:

Mr. Russell J. Gulley, Chairman

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Ms. Karen Crenshaw, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Planning Department
Mr. Jeffery H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Jeff Dopp, Senior Planner, Development
Review Section, Planning Department

Ms. Velincia Fields, Planning Technician, Development
Review Section, Planning Department

Mr. Ryan Ramsey, Senior Planner, Development
Review Section, Planning Department

Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department

Ms. Lisa Caudill, Administrative Assistant, Administration
Section, Planning Department

Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department

Ms. Rheanna Murray, Administrative Assistant, Administration
Section, Planning Department

Ms. Sytira Kirby, Planning Technician, Development
Review Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department

Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department

Ms. Heather Barrar, Principal Planner, Advance Planning
and Research Section, Planning Department

Mr. Zachary Mayo, Planning Data and Geographic Analyst,
Advance Planning and Research Section, Planning Department

Ms. Stacy Taffer, Administrative Supervisor, Administration
Section, Planning Department

Ms. Heather Barrar, Principal Planner, Advance Planning
and Research Section, Planning Department

Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office

Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office

Mr. Richard M. McElfish, Director,
Environmental Engineering Department

Lieutenant Frank Nause, Fire and
Emergency Services, Fire Department

Ms. Patricia W. Kizzie, Assistant Director,
Budget and Management Department

Ms. Carol Judkins, Budget and Management Analyst,
Budget and Management Department

Dr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Bass, Brown, Hassen, Waller and staff assembled at 12:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA., for lunch and a work session.

Mr. Turner introduced Ms. Sytira Kirby, Ms. Rheanna Murray, Ms. Heather Barrar, Ms. Karen Crenshaw and Ms. Velincia Fields as the new employees for the Planning Department.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested amendments to the agenda to include adding a new Item IX, Proposed Code Amendment to Allow Family Subdivisions to Stepchildren; and a new Item X, Proposed Code Amendment to Increase the Length of Time for the Validity of Tentative Subdivision Plats in Multiphase Developments. On motion of Mr. Hassen, seconded by Mr. Waller, the Commission amended the agenda as follows:

- I. Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation**.
- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. **Work Program – Review and Update.**
- V. **Planning Topics-Energy Conservation and Planning.**
- VI. **Proposed Code Amendment Relative to CPTED Standards (Security Proffer).**
- VII. **Proposed Code Amendment Relative To Protecting Water Quality in the *Upper Swift Creek* Watershed "Mass Grading."**
- VIII. **Proposed Code and Policy Amendments Relative to Electronic Message Centers.**
- IX. **Proposed Code Amendment to allow Family Subdivision to Stepchildren.**
- X. **Proposed Code Amendment to Increase the Length of Time for the Validity of Tentative Subdivision Plats in Multiphase Developments.**
- XI. **Recess.**

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of October, November and December 2008.

III. REVIEW DAY'S AGENDA.

Mr. Michael Tompkins presented an overview of, and staff's recommendation for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Beverly Rogers presented an overview of, and staff's recommendation for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. WORK PROGRAM.

Mr. Turner apprised the Commission that the work program was updated with the results from the Board of Supervisors' meeting.

V. PLANNING TOPICS-ENERGY CONSERVATION AND PLANNING.

Mr. Glenn Larson presented information on the importance in planning for energy efficient land use; national energy planning issues; commute time for Chesterfield residents; facilities locations and energy cost; development patterns; and presented examples of connectivity, sidewalks, street lighting and school location as they relate to energy conservation and planning for the County.

VI. PROPOSED CODE AMENDMENT RELATIVE TO CPTED STANDARDS (SECURITY PROFFER).

Mr. Jim Eicher updated the Commission on the responses received from the development community relative to the CPTED standards and answered questions relative to the effectiveness of the amendment and potential conflicts with the "Mass Grading" Ordinance.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission set a public hearing for the November 18, 2008 meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

VII. PROPOSED CODE AMENDMENT RELATIVE TO PROTECTING WATER QUALITY IN THE UPPER SWIFT CREEK WATERSHED "MASS GRADING."

Mr. Dick McElfish began his presentation by asking the Commission to consider separating Sections 8-1 and 8-2 from Section 19-238(g) of the Proposed Code Amendment Relative to Protecting Water Quality in the Upper Swift Creek Watershed "Mass Grading". Mr. McElfish stated that after further review of the Ordinance and after input from the County Attorney's Office, the determination was made that Section 19-238(g) had no relevance to mass grading and separating the sections would allow the Commission to vote on each section separately.

In response to questions from the Commission, Mr. Rob Robinson said that the County Attorney's office would work with staff in the preparation of the new amendments to the Ordinance.

Mr. McElfish presented an overview and the results of meetings with the Planning Commissioners. The Commission voiced concern that the word "cluster" was not clearly defined in the Ordinance; and that the new Ordinance could restrict the development community's ability to request a review and determination rendered by the Environmental Engineering Director.

The Commission agreed that another work session was necessary to give staff time to complete the separation of the Ordinance section for consideration and to address concerns noted by the Commission.

Mr. Robinson reminded the Commission that on July 15, 2008, a public hearing was set for October 21, 2008 to discuss the original "mass grading" draft language.

Following discussions, the Commission agreed to cancel the public hearing scheduled for October 21, 2008 and directed staff to present an updated version of the draft language "Mass Grading" at the October 21, 2008, work session.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission cancelled the October 21, 2008, public hearing and resolved to continue discussions on the proposed code amendment relative to "Mass Grading" in the Upper Swift Creek Watershed at the October 21, 2008 work session.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

VIII. PROPOSED CODE AND POLICY AMENDMENTS RELATIVE TO ELECTRONIC MESSAGE CENTERS.

Mr. Greg Allen presented staff's and the Sign Industry's recommendations for the proposed Code and Policy Relative to Electronic Message Centers.

In responses to a question from Mr. Bass Ms. Rogers stated that the original Policy was prepared through a committee with representatives from the sign industry, citizens and County staff.

The Commission generally agreed that the current regulations were not clear and that the business owners, citizens and the Sign Industry should have the opportunity to participate in the consideration of amendments to the Policy. The Commission request that the Sign Industry representatives prepare a presentation for the October 21, 2008 work session.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission deferred action on this item and invited the Sign Industry to present information relative to the Proposed Code Amendments Relative to Electronic Message Centers at the October 21, 2008 work session.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

Recessed at 2:09 p.m.

Reconvened at 2:16 p.m.

IX. PROPOSED CODE AMENDMENT RELATIVE TO THE SUBDIVISION ORDINANCE TO ALLOW FAMILY SUBDIVISION TO STEPCHILDREN.

Ms. Tara McGee presented the proposed amendment of the Subdivision Ordinance to add "stepchild" as a person for whom land could be divided under a family subdivision and asked the Commission to schedule a public hearing for November 18, 2008.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission set a public hearing on the Proposed Code Amendment Relative to the Subdivision Ordinance to Allow Family Subdivision to Stepchildren for November 18, 2008.

AYES: Messrs. Bass, Brown and Hassen.

ABSENT: Messrs. Gulley and Waller.

X. PROPOSED CODE AMENDMENT RELATIVE TO THE SUBDIVISION ORDINANCE TO INCREASE THE LENGTH OF TIME FOR THE VALIDITY OF TENTATIVE SUBDIVISION PLATS IN MULTIPHASE DEVELOPMENTS.

Ms. Tara McGee asked the Commission to take no action on this item at this time.

XI. RECESS.

There being no further business, the Commission recessed at 2:21 p.m., agreeing to reconvene in the Public Meeting Room (Executive Session Room) at the Administration Building Complex for the 3:00 p.m., for the public meeting.

3:00 P. M. PUBLIC MEETING

Mr. Bass, Vice-Chairman, called the meeting to order at 3:00 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

III. APPROVAL OF THE PLANNING COMMISSION MINUTES:

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to approve the August 19, 2008, Planning Commission Minutes.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

IV. CONSIDERATION OF THE FOLLOWING REQUESTS:

- **REQUEST FOR DEFERRAL BY APPLICANT.**

08TS0264*: In Bermuda Magisterial District, **WILTON DEVELOPMENT CORPORATION** requested deferral of consideration for a tentative subdivision approval for 151 single-family lots and an exception to Section 17-70 to allow buffers to be inclusive of setbacks for proposed lots 142, 143 and 151. This development is commonly known as **CENTRALIA STATION**. This request lies in Residential (R-7, R-9, R-12) and Agricultural (A), zoning Districts on 83.54 acres fronting approximately 680 feet on the south line of Centralia Road, also lying on the east line of Fox Chappel Road. Tax IDs 785-663-7560, and 9781, 786-660-5178, 786-663-1052, and 2179.

Mr. John Easter, the applicant's representative, requested deferral of Case 08TS0264 to the November 18, 2008, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to defer Case 08TS0264 to the November 18, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.
ABSENT: Mr. Gulley.

- **DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS.**

08PR0268*: In Dale Magisterial District, **THE BERMUDA TRIANGLE PROPERTY, LP** requested a 70 foot reduction to a 100 foot buffer in conjunction with site plan review. This development is commonly known as **IRONBRIDGE STORAGE EXPANSION**. This request lies in a General Business (C-5) District on 11.9 acres fronting approximately 250 feet on the east line of Ironbridge Road also fronting approximately 500 feet on the north line of Quaiff Lane and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-673-3836, Part of 4300 and 9020.

Mr. Jeff Collins, applicant's representative, accepted the deferral of Case 08PR0268 by Dr. Brown to the November 18, 2008, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the Dr. Brown's request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission, on their own motion, resolved to defer Case 08PR0268 to the November 18, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.
ABSENT: Mr. Gulley.

09PS0131: In Midlothian Magisterial District, **VILLAGE ASSOCIATES** requested amendment to schematic plan 86PS1030 to allow slate-appearing asphalt shingles. This development is known as **VILLAGE MARKETPLACE SHOPPING CENTER**. This request lies in a Community Business (C-3) District on 15.1 acres fronting approximately 96 feet along the north line of Midlothian Turnpike and fronting approximately 450 feet along the north line of Old Buckingham Road. Tax IDs 731-708-9425 and 4522, 732-708-3011 and 732-707-1993.

Mr. Waller apprised the Commission of the applicant's acceptance of the deferral of Case 09PS013 to the October 21, 2008, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 09PS0131 to October 21, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.
ABSENT: Mr. Gulley.

V. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 3:07 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public hearing.

During dinner, there was general discussion regarding pending cases.

6:30 P. M. PUBLIC MEETING AND HEARING.

I. INVOCATION.

Dr. Brown presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Robert Clay led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission of the request to add a new Item X, Deferral Request by Individual Planning Commissioner and to reorder Case 08SN0235, Holiday Signs, Inc., to the new Item X; and to reorder Cases 07SN0358, Chris and Gladys Kalentzos; 07SN0359, M & K Developers; 07SN0360, Douglas Sowers; and 07SN0361, Robert C. Sowers and Douglas and Susan Sowers, to Item IX, Deferral Requests by Applicants.

It was the consensus of the Commission to amend the agenda to reorder Cases 08SN0235, 07SN0358, 07SN0359, 07SN0360 and 07SN0361.

V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. Terry Cook, Bayhill Pointe resident, commented on the level of citizens' involvement relative to the connectivity issues and Virginia Department of Transportation (VDOT). He also commented on the number of letters that were sent to the Governor and State Representatives relative to the connectivity issues.

VII. PUBLIC HEARING.

- **REQUESTS FOR WITHDRAWAL/DEFERRALS BY APPLICANTS.**

06SN0156: (Amended) In Dale Magisterial District, **G. H. COGBILL LIMITED COMPANY** withdrew request for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The

Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.5 acres fronting approximately 290 feet on the south line of Iron Bridge Road approximately 1,000 feet west of Beach Road. Tax IDs 769-661-Part of 5744 and 769-662-7415.

The Commission acknowledged the withdrawal of Case 06SN0156.

There was no opposition to the withdrawal.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission acknowledged the withdrawal of Case 06SN0156.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

07SN0134: (Amended) In Bermuda Magisterial District, **SECOND FORTUNE, LLC** withdrew request for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

The Commission acknowledged the withdrawal of Case 07SN0134.

There was no opposition to the withdrawal.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission acknowledged the withdrawal of Case 07SN0134.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0218: In Bermuda Magisterial District, **CHESTNUT LLC** requested deferral of consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 21.9 acres fronting approximately 250 feet on the east line of North Enon Church Road, approximately 480 feet north of East Hundred Road also fronting approximately 400 feet on the west line of Burgess Road, approximately 400 feet northeast of East Hundred Road. Tax ID 824-647-Parts of 5620 and 9569.

Ms. Kristen Keatley, applicant's representative, requested deferral of Case 08SN0218 to the November 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 08SN0218 to the November 18, 2008, Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0267: In Bermuda Magisterial District, **GERALD R. AND JANET P. WHITE** requested deferral of consideration for rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies on 3.8 acres fronting approximately 780 feet on the west line of Jefferson Davis Highway approximately 1300 feet south of Woods Edge Road. Tax ID 800-634-0291.

Mr. Dean Hawkins, applicant's representative, requested deferral of Case 08SN0267 to the December 16, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 08SN0267 to the December 16, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0255: In Clover Hill Magisterial District, **KPC PROPERTIES** requested deferral of consideration for amendment to Conditional Use Planned Development (Case 89SN0320) and amendment of zoning district map to delete limitations on nightclub/special events uses relative to location of operation, size of dance floor and operator and to permit outside public address systems. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation/recreation and residential use of 2.0 units per acre or less. This request lies in a Residential (R-7) District on 1.3 acres lying approximately 610 feet off the west line of Millridge Parkway approximately 300 feet south of Planters Wood Road. Tax IDs 730-678-0750, 0857, 0935, 1045, 1529 and 1553.

Mr. Jim Theobald, applicant's representative, requested deferral of Case 08SN0255 to the November 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 08SN0255 to the November 18, 2008, Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

07SN0358: In Matoaca Magisterial District, **CHRIS AND GLADYS KALENTZOS** requested deferral of

consideration for rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 8.1 acres fronting approximately 500 feet on the west line of Weatherbury Place approximately 1160 feet north of Genito Road. Tax IDs 711-689-1531, 2247 and 2465.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0358 to the October 21, 2008 Planning Commission meeting.

Mr. Bass advised Mr. Scherzer that the Commission would reorder Cases 07SN0358, Chris and Gladys Kalentzos; 07SN0359, M & K Developers; 07SN0360, Douglas Sowers; and 07SN0361, Robert C. Sowers and Douglas and Susan Sowers, to be placed with those cases requiring discussion.

- **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

08SN0235: In Midlothian Magisterial District, **HOLIDAY SIGNS, INC.** requested Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial/light industrial and mixed use corridor uses. This request lies in a General Business (C-5) District on 11.2 acres fronting approximately 270 feet on the north line of Hull Street Road, approximately 420 feet east of Turner Road also fronting approximately 370 feet on the east line of Turner Road, approximately 280 feet north of Hull Street Road. Tax ID 765-698-Part of 9008.

Mr. Allen Twedt, the applicant's representative, accepted deferral of Case 08SN0235 by Mr. Waller to the October 21, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Mr. Hassen, the Commission, on their own motion, resolved to defer Case 08SN0235 to October 21, 2008 Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

- **CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE WAS NO PUBLIC OPPOSITION.**

08SN0254: In Dale Magisterial District, **FINER HOMES, INC.** requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 5.6 acres fronting approximately 550 feet on the south line of Beulah Road approximately 270 feet west of Salem Church Road. Tax ID 777-674-Part of 2340.

Mr. Turner noted that the applicant had submitted an addendum to address concerns noted by the Dale District Planning Commissioner.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08SN0254 with those cases requiring discussion.

08SN0287: In Bermuda Magisterial District, **NEW GENERATION INVESTMENTS LLC** requests rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 0.6 acres fronting approximately 180 feet on the west line of Jefferson Davis Highway also fronting approximately 150 feet on the south line of General Boulevard and located in the southwest corner of the intersection of these roads. Tax IDs 794-666-6494, 6990 and 7283.

Mr. James Davis and Ms. Gail Davis, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0287.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

09SN0101: In Matoaca Magisterial District, **ANDRE A. GOODE** requests rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) with Conditional Use to permit a trade (barber and beauty) school use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 units per acre or less. This request lies on 0.2 acres and is known as 3410 Boisseau Street. Tax ID 796-611-3052.

Mr. Andre A. Goode, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 09SN0101.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0256: In Bermuda Magisterial District, **KECK TRUST AND NINA V. SHOOSMITH ET ALS** request rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/industrial uses. This request lies on 167 acres fronting approximately 1050 feet on the south line of Bermuda Hundred Road approximately 1130 feet northwest of Allied Road. Tax IDs 828-649-7372; 829-650-8343; 830-649-1629; and 830-650-4043.

Mr. James Daniels, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08SN0256 with those cases requiring discussion.

- **CASES WHERE THE APPLICANTS DID NOT ACCEPT STAFF'S RECOMMENDATION AND THERE WAS NO PUBLIC OPPOSITION.**

08SN0254: In Dale Magisterial District, **FINER HOMES, INC.** requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 5.6 acres fronting approximately 550 feet on the south line of Beulah Road approximately 270 feet west of Salem Church Road. Tax ID 777-674-Part of 2340.

Ms. Darla Orr, presented an overview of the request, and staff's recommendation for approval noting the proposed zoning and land use conformed to the Central Area Plan which suggests the request property was appropriate for residential use of 1.0-2.5 units per acre and the proffered conditions adequately addressed the impacts of this development on necessary capital facilities, thereby assuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens as discussed.

Ms. Kristen Keatley, the applicant's representative, agreed with staff's recommendation and commented that the request was for additional rezoning to be added to a subdivision previously zoned.

Mr. Bass opened the floor for public comments.

Mr. Bernard Huff spoke in opposition and felt the request was for financial gain only.

Ms. Betty Taylor spoke in opposition and stated she was not notified about a citizens' meeting to discuss the request and voiced concerns on safety; traffic accidents; and the need for the installation of a traffic light.

Mr. Bass close the public comments.

In rebuttal, Ms. Keatley stated that the request was for rezoning, with the number of lots would be determined at a later time.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0254 acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1) Public water and wastewater shall be used. (U)
- 2) The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A) \$18,080.00 per dwelling unit, if paid prior to July 1, 2009; or

- B) If payment is made after June 30, 2009, the amount approved by the Board of Supervisors not to exceed \$18,080.00 per dwelling unit adjusted annually in accordance with the cash proffer policy.
 - C) Cash proffer payment shall be spent for the purposes proffered or as otherwise permitted bylaw.
 - D) Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
- 3) The maximum density of this development shall not exceed twelve (10) lots. (P)
 - 4) Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 - 5) There shall be no direct vehicular access from the property to Beulah Road. (T)
 - 6) In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Beulah Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 - 7) The developer shall provide the following improvements in conjunction with the initial development on the property:
 - A) Widening/improving the south side of Beulah Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - B) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
 - 8) The minimum gross floor area for one story dwelling units shall be 1700 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (BI & P)
 - 9) All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0256: In Bermuda Magisterial District, **KECK TRUST AND NINA V. SHOOSMITH ET ALS** request rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/industrial uses. This request lies on 167 acres fronting approximately 1050 feet on the south line of Bermuda Hundred Road approximately 1130 feet northwest of Allied Road. Tax IDs 828-649-7372; 829-650-8343; 830-649-1629; and 830-650-4043.

Ms. Darla Orr presented an overview of the request, and staff's recommendation of approval noting that the proposed zoning and land use complies with the Consolidated Eastern Area Plan which suggests moderate and heavy industrial uses were appropriate when such uses will be located and designed to ensure compatibility with less intense area development.

Mr. James Daniels, applicant, stated that modification to Proffered Condition 1 was submitted to address the adjacent property owner and the Planning Commissioner's concerns.

Mr. Bass opened the floor for public comments.

Mr. Cliff Hammond voiced concerns on vehicular access; road improvements; and lack of safeguards relative to allowable uses.

Mr. Bass closed the floor for public comments.

In rebuttal, Mr. Daniel, stated that Proffers 4 and 5 addressed Mr. Hammond's concern relative to vehicular access and transportation improvements.

Mr. Hassen approved of the request noting the applicant had made significant modifications to address concerns of Mr. Hammond and that he felt the project would increase the property value of the adjacent properties.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0256 acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The following uses shall not be permitted:
 - A. Blast furnaces, steel works and rolling and finishing ferrous metals;
 - B. Coal and coke storage;
 - C. Crematoriums;
 - D. Iron and steel foundries;
 - E. Leather tanning;
 - F. Meat products manufacturing;
 - G. Nonferrous foundries and other primary metal industries;
 - H. Paper, pulp and allied products manufacturing;
 - I. Primary smelting and refining of nonferrous metals;
 - J. Secondary smelting and refining of nonferrous metals and alloys;

- K. Mass transportation;
 - L. Motor Vehicle Service Station;
 - M. Water and wastewater treatment plants; and,
 - N. Paper recycling by the chemical method.
2. Except for timbering approved by the Virginia Department of Forestry for removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 3. Dedication. Prior to any site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right of way on the south side of Bermuda Hundred Road, measured from the centerline of that part of Bermuda Hundred Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 4. Access. Direct vehicular access from the property to Bermuda Hundred Road shall be limited to four (4) entrances/exits. The exact location of these accesses shall be approved by the Transportation Department. The Transportation Department may modify this condition to permit additional entrance(s)/exit(s) to Bermuda Hundred Road. (T)
 5. Transportation Improvements. The Developer shall be responsible for the following road improvements. The exact design of these improvements shall be approved by the Transportation Department.
 - a. Construction of additional pavement along Bermuda Hundred Road at each approved access to provide left and right turn lanes.
 - b. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
 6. A seventy (70) foot buffer shall be maintained adjacent to the northern boundary of the Dominion Power easement along the length of that easement that borders Homeacres Subdivision. Except for a rail spur which runs generally perpendicular through the buffer, such buffer shall comply with the Zoning Ordinance requirements for seventy-five (75) foot buffers. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0286: In Midlothian Magisterial District, **VICTORY LADY** requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in a Community Business (C-3) District on 1.9 acres fronting approximately 220 feet on the north line of Midlothian Turnpike, approximately 630 feet west of Robious Road. Tax ID 749-709-1045.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial noting the proposed computer-controlled variable message electronic sign did not conform to the adopted Electronic

Message Center Policy relative to the proposed red display color; and approval of the requested exception to the Policy could set a precedent for similar requests along the Midlothian Turnpike Corridor. Ms. Peterson also noted that the applicant had recently amend the Proffered Condition (item (a)) at the request of Mr. Waller to preclude the electronic message from both moving and fading.

Mr. Brian Kelmar, the applicant's representative, presented an overview of the business and stated that the applicant was agreeable with the conditions noted in the staff report with the exception to the red display color and the height of the sign which the applicant would like to maintain at twenty-one (21) feet. He added the sign would also be used for public services such as the amber alert system and time and temperature display.

Mr. Bass opened the floor for public comments.

Ms. Carrie Coyner did not speak in opposition of the request but voiced concern that Proffered Condition (a) did not clearly address how the sign copy would change.

Mr. Bass closed the public comments.

In rebuttal, Mr. Brian Kelmar, stated that limitations are outlined in the Ordinance and did not feel that additional restrictions were necessary.

Mr. Waller voiced concern relative to the sign height noting that the Policy suggests signs should come closer in compliance with Ordinance requirements.

Dr. Brown and Mr. Bass supported maintaining the existing sign height given the location of the proposed sign and its appearance in relation to other signage along this corridor.

On motion of Mr. Waller, Dr. Brown, the Commission resolved to recommend approval of Case 08SN0286 subject to the condition and acceptance of the following proffered conditions:

CONDITION

The total area of the freestanding sign shall not exceed 75.9 square feet. The sign height shall not exceed twenty-on (21) feet. (P)

PROFFERED CONDITIONS

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, nor fade;
- b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- c. The copy display color shall be red;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animations effects shall be prohibited; and
- f. Such sign shall be located on Midlothian Turnpike. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0292: In Bermuda Magisterial District, **SUZANNE DULEY** requests Conditional Use and amendment of zoning district map to permit a business (office use) incidental to a dwelling unit in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 dwellings per acre or less. This request lies on 0.4 acres and is known as 17825 Willowynde Road. Tax ID 808-649-6917.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial noting the proposed land use did not conform to the Consolidated Eastern Area Plan which suggests the property was appropriate for residential use of 4.0 dwellings per acre or less; and the proposed land use was not representative of, or compatible with, existing and anticipated area development.

Ms. Suzanne Duley Eckenrode, explained the basis of her home based employment and asked the Commission to approve the request. Mr. James Eckenrode stated that the majority of the neighbors in the area approved the request and the appearance of a business was limited from the surrounding neighbors.

Mr. Hassen apprised the Commission of a petition signed by neighbors who were in favor of the request.

Mr. Bass opened the floor for public comments.

Messrs. John Moody and Reuben Johnson voiced their approval for the request.

Mr. Bass closed the public comments.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0292 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to Suzanne Duley (Eckenrode), exclusively, and shall not be transferable nor run with the land. (P)
2. This Conditional Use shall be limited to the operation of a process serving, juvenile transport, private investigation and executive protection service business. (P)
3. A maximum of two employees shall be permitted on the property at any time other than family member employees that live on the property. (P)
4. A maximum of four (4) motor vehicles associated with this business shall be parked on the site at any time. (P)
5. No clients shall be permitted on the property. (P)
6. Hours of operation shall be limited to between 8:00 a.m. and 4:30 p.m., Monday through Friday. (P)
7. No additions or exterior alterations shall be permitted to the dwelling or accessory buildings to accommodate this use. (P)

8. There shall be no signs identifying this use that are visible from Willowynde Road. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

09SN0100: In Bermuda Magisterial District, **CHRISTIAN LIFE WORSHIP CENTER** requests Conditional Use and amendment of zoning district map to permit a church in a Heavy Industrial (I-3) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request lies on 6.5 acres and is known as 11924 and 11930 Old Stage Road and 1800 and 1810 Osborne Road. Tax IDs 802-659-2721, 3919, 4660 and 5824.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial noting the applicants were given a Conditional Use for three (3) years with the understanding it was a temporary situation and expired in January 2008. She added the land use did not conform to the Consolidated Eastern Area Plan which suggests the property was appropriate for industrial uses, specific to General Industrial (I-2) and Heavy Industrial (I-3) Districts.

Mr. Dennis Lash, the applicant's representative, asked the Commission to consider extending the use for another three (3) years.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, Mr. Waller, the Commission resolved to recommend approval of Case 09SN0100 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Conditional Use shall be granted for a period of time not to exceed three (3) years from date of approval. (P)
2. Church use shall be limited to the building located on Tax ID 802-659-5824 and identified on the plan approved as part of Case 05SN0145. Associated parking may be located on this or other properties which are included as part of this request. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

07SN0358: In Matoaca Magisterial District, **CHRIS AND GLADYS KALENTZOS** request rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 8.1 acres fronting approximately 500 feet on the west line of Weatherbury Place approximately 1160 feet north of Genito Road. Tax IDs 711-689-1531, 2247 and 2465.

Mr. Robert Clay presented an overview of the request and staff's recommendation for denial noting the proposal failed to address the Environmental Engineering's water quality concerns relative to the existing pond remaining to help protect water quality of Swift Creek Reservoir; and the proposal failed to address the impact on area roads. Mr. Clay also noted the applicants' recent submittal of additional proffers.

Mr. Andy Scherzer, the applicant's representative, presented an overview of the project and amended proffers and expressed the applicants' willingness to proffer additional funding for road improvements.

No one came forward in favor of, or in opposition of the request.

Mr. Bass voiced disapproval of the late submission of additional proffers and commented that even though the proffers were submitted, the Planning Commissioners and staff did not have ample time to review the proffers; therefore, the Commission's decision would be based on the information that was received and evaluated prior to the public hearing.

Mr. Bass stated that area road improvements were needed along both Genito and Otterdale Roads as well as at the intersection of these roads.

Mr. Scherzer stated that the amount of money needed for the realignment of the intersection and additional road improvements would not be achieved with the applicants offering maximum cash proffers.

Mr. Waller questioned the enforceability of the proffers given how they are entwined with the other adjacent zoning cases.

Mr. Hassen voiced concern that additional road improvements appeared excessive given this six (6) lot request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 07SN0358.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

07SN0359: (Amended) In Matoaca Magisterial District, **M & K DEVELOPERS** request rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-40) to Residential (R-15) of 26.8 acres with Conditional Use on 3.4 acres of this 26.8 acre tract to permit a business (special events) incidental to a dwelling unit. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The density of the Conditional Use will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request is located in the northeast quadrant of Genito Road and Weatherbury Place. Tax IDs 711-688-3114 and 7172; and 712-689-1950.

Mr. Robert Clay presented an overview of the request and staff's recommendation of denial for the rezoning noting the applicant failed to provide for adequate road improvements and access limitations and staff's recommendation of approval for the special events business if determined there would be no adverse impact on the area. Mr. Clay noted the recent submission of amended proffers and that staff was not given adequate time to review these proffers.

Mr. Andy Scherzer, the applicant's representative, noted his disappointment that the case was not granted a deferral. He added that road improvements were needed throughout the County and the applicants attempted to respond to the need for road improvements by offering the amended proffers.

No one came forward in favor of, or in opposition of the request.

There were no comments from the Commission.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 07SN0359.

Mr. Bass began a motion to recommend approval for the Conditional Use for the Special Events Business and was advised by Mr. Robinson that he needed to retract the prior motion and make both recommendations in one (1) motion.

Mr. Bass retracted the previous motion and on motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of the request for zoning and approval for the Conditional Use for the special events business subject to the following conditions:

CONDITIONS – FOR THE CONDITIONAL USE

1. This Conditional Use shall be granted to and for Steven King, exclusively, and shall not be transferable or run with the land. Such Conditional use would only be allowed until such time that any construction bonds are placed on the property. (P)
2. This Conditional Use shall be limited to the operation of a special events business. (P)
3. There shall be no additions or alterations to the exterior of the structure to accommodate this use. (P)
4. One (1) freestanding sign, a maximum of six (6) square feet in area, shall be permitted to identify this use. (P)
5. The days and hours which the special events business may be opened to the public and number of on-site special events shall be as follows:
 - a. Fridays between 8:00 a.m. and 11:00 p.m.;
 - b. Saturdays between 10:00 a.m. and 11:00 p.m.;
 - c. From December 1 through December 31 events may be held during the week from 4:00 p.m. until 11:00 p.m. except December 31 when the hours may extend until 1:00 a.m.;
 - d. There shall be a maximum of six (6) Sunday events per calendar year. Sunday events shall be limited to between the hours of 10:00 a. m. and 11:00 p. m.
 - e. A maximum of fifty (50) events per year shall be allowed. (P)
6. There shall be no deliveries to the property before 9:00 a.m. or after 6:00 p.m. Deliveries shall be restricted to Friday and Saturday only. (P)
7. Amplified sound equipment shall not exceed a noise level 50 dB(A), as measured at the boundaries of Tax IDs 711-688-3114 and 7172; and 712-689-1950, except the shared boundaries of these properties. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)
8. Any freestanding lighting shall not exceed twenty (20) feet in height. (P)

9. Attendance at special events shall be restricted to a maximum of 275 guests at any one (1) time. (P)
10. A minimum of one (1) security officer for each one hundred (100) persons shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

07SN0360: In Matoaca Magisterial District, **DOUGLAS SOWERS** requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-40) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for conservation: passive recreation and single family residential use of 2.0 units per acre or less. This request lies on 2 tracts totaling 198.8 acres the first fronting approximately 2160 feet on the west line of Otterdale Road approximately 1230 feet north of Genito Road and the second fronting approximately 130 feet on the west line of Otterdale Road approximately 470 feet south of Genito Road. Tax IDs 711-692-2160; 712-688-4372; 712-689-3422, 6214, 7342 and 8374; and 713-689-3525.

Mr. Robert Clay presented an overview of the request and staff's recommendation of denial noting the proffered conditions did not adequately address the impacts of this development on necessary capital facilities; and failed to address the impact on area roads. Mr. Clay also noted the applicants' recent submittal of additional proffers.

Mr. Andy Scherzer, the applicant's representative, asked the Commission to consider information mentioned in the previous cases.

No one came forward in favor of, or in opposition of the request.

There was no Commission discussion.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 07SN0360.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

07SN0361: In Matoaca Magisterial District, **ROBERT C. SOWERS AND DOUGLAS AND SUSAN SOWERS** request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation: passive recreation and single family residential use of 2.0 units per acre or less. This request lies on 26.2 acres fronting approximately 1030 feet on the west line of Otterdale Road approximately 3380 feet north of Genito Road. Tax IDs 713-691-1673 and 8928; and 714-690-1660.

Ms. Darla Orr presented an overview of the request and staff's recommendation of denial noting the proposal failed to address the impact on area roads; and failed to provide improvements to area roads, as to mitigate the impact on transportation network. Mr. Orr also noted the applicants' recent submittal of additional proffers.

Ms. Carrie Coyner, the applicant's representative, disapproved the recommendation for denial relative to the previous three (3) requests in conjunction with this request. She noted that the applicants agreed to pay full cash proffers to address development impacts per the adopted policy and that the applicants were being held hostage by the amount of road improvements required. Ms. Coyner asked the Commission to consider the request and to recommend approval.

No one came forward in favor of, or in opposition of the request.

Mr. Bass responded to comments by Ms. Coyner and noted that he felt the submission of late proffers were not acceptable and that he would recommend to the Matoaca District Supervisor to remand the cases back to the Planning Commission.

Mr. Hassen stated that considering the amount of time given to develop the cases, he was also disappointed at the way the cases were handled with the submittal of proffers on the day of the public hearing.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 07SN0361.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

08SN0285: In Bermuda Magisterial District, **EMERSON-ROPER COMPANIES, LLC** requests rezoning and amendment of zoning district map from Agricultural A) to Community Business C-3) with Conditional Use to permit multifamily use plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies on 5.0 acres fronting approximately 290 feet on the north line of Chester Village Drive across from Village Creek Drive. Tax ID 787-657-6225.

Mr. Robert Clay presented an overview of the request and staff's recommendation of denial noting the proffered conditions did not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan.

Ms. Carrie Coyner, the applicant's representative, advised the Commission that the applicant preferred not to defer consideration of the request anticipating that the delay would not affect the Commission's recommendation on this request. Mr. Coyner presented an overview of the project and stated that the applicant had worked closely with the community and the County to address all concerns.

No one came forward in favor of, or in opposition of the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend denial of Case 08SN0285 noting the request failed to address security concerns and the proffered conditions did not mitigate the impact of capital facilities.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no public comments.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller, that the meeting adjourned at 9:10 p.m. to October 21, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

Chairman/Date

Secretary/Date